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From: Gerry Armstrong <gerry@gerryarmstrong.org>

Newsgroups: alt.religion.scientology

Subject: **Re: Tentative Ruling on Summary Judgment Motion, Scientology v. Armstrong  
Marin SC CV 021632**

Date: Tue, 23 Mar 2004 08:17:33 -0800

Message-ID: <5gn060d7hrspceloj8jcbkeq37g2lknqfr@4ax.com>

References: <mn7v50pq1p0aiofb682lnbuh7g0ppnvc46@4ax.com>

X-Newsreader: Forte Agent 1.7/32.534

MIME-Version: 1.0

Content-Type: text/plain; charset=ISO-8859-1

Content-Transfer-Encoding: 8bit

NNTP-Posting-Host: 24.82.237.229

X-Original-NNTP-Posting-Host: 24.82.237.229

X-Trace: 23 Mar 2004 11:18:46 -0500, 24.82.237.229

X-Original-Trace: 23 Mar 2004 11:18:46 -0500, 24.82.237.229

Organization: Lightlink Internet

Lines: 136

Path: news2.lightlink.com

Xref: news2.lightlink.com alt.religion.scientology:1690514

On Mon, 22 Mar 2004 18:59:04 -0800, Gerry Armstrong  
<gerry@gerryarmstrong.org> wrote:

>Marin Superior Court has a tentative ruling system where the judge who  
>will preside over a hearing will issue a tentative ruling the  
>afternoon of the day before the scheduled hearing. A party or counsel  
>calls in to the Court and gets prompted to the tentative ruling line,  
>where the case number is punched in and an audio recording plays of  
>the tentative ruling read by a clerk.

>

>Any party wishing to contest the tentative then must call and advise  
>the Court and must advise the opposing party or counsel that he will  
>be at the hearing to contest it. If no one contests the tentative it  
>becomes the ruling.

>

>This afternoon the audio message stated that the tentative ruling  
>would be faxed to counsel. And right after I got this message, I got  
>an e-mail from Andy Wilson saying that he would be at the hearing at  
>9:00 a.m. tomorrow to contest the tentative ruling.

>

>I then got the tentative faxed to a copy shop:  
><http://www.gerryarmstrong.org/50grand/legal/a7/ord-mtn-sj-2004-03-22-txt.html>

>

>I will attend the hearing, God willing, by conference call.

>

>[Quote]

>

>03/22/2004 16:10 14154997897 MARIN SUPERIOR COURT

>PAGE01/01

>

>MARIN SUPERIOR COURT  
>  
>DATE: 03/23/04 TIME: 9:00 A.M. DEPT NO:L CASE NO: CV021632  
>  
>PRESENT: HON. LYNN DURYEE  
>  
>REPORTER: DEBORAH BARTUNEK CLERK: JANET MINKIEWICZ  
>  
>-----  
>  
>PLAINTIFF CHURCH OF SCIENTOLOGY  
>INTERNATIONAL  
>  
>vs.  
>  
>DEFENDANT: GERALD ARMSTRONG, ET  
>AL  
> [Handwritten:]  
>S. RAJKOWSKI 2897110  
>W. DRESCHER 81870999[xx]  
>G. ARMSTRONG 604795523[x]  
>  
>-----  
>  
>  
>NATURE OF PROCEEDINGS: MOTION FOR SUMMARY JUDGMENT (PLTF) CHURCH  
>OF SCIENTOLOGY INTERNATIONAL  
>  
>RULING  
>  
>PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS DENIED. PLAINTIFF HAS NOT  
>MET ITS BURDEN OF SHOWING IT IS ENTITLED TO PREVAIL IN THIS ACTION.  
>PLAINTIFF HAS NOT ESTABLISHED THAT EACH OF THE INCIDENTS UPON WHICH  
>THIS ACTION IS BASED ARE VIOLATIONS OF PARAGRAPH 7(D) OF THE  
>SETTLEMENT AGREEMENT. EVEN IF THE COURT WERE TO ACCEPT THAT THE 131  
>POSTINGS UPON WHICH THE CONTEMPT FINDING WAS BASED CONSTITUTE  
>VIOLATIONS OF THAT PROVISION BASED UPON DEFENDANT'S FAILURE TO  
>DISPUTE FACT 8, PLAINTIFF HAS NOT MET ITS BURDEN AS TO THE REMAINING  
>70 INCIDENTS. FACT 11, THE ONLY FACT WHICH ADDRESSES ALL 201  
>VIOLATIONS, IS SUPPORTED BY PARAGRAPH 14 OF DEFENDANT'S ANSWER.  
>DEFENDANT DOES NOT ADMIT IN THAT PARAGRAPH THAT HE COMMITTED THE 201  
>ACTS OR THAT SUCH ACTS CONSTITUTE A BREACH OF PARAGRAPH 7(D).

There's an error in the tentative ruling here. Scientology's Fact 11  
in its Separate Statement cites to \*Page\* 14, lines 8-28 of my Answer,  
not \*Paragraph\* 14.

Scientology's Separate Statement:

<http://www.gerryarmstrong.org/50grand/legal/a7/pltf-sep-stmt-mtn-sj-2003-11-17.html>

My Answer:

<http://www.gerryarmstrong.org/50grand/legal/a7/armstrong-answer-cv021632.html>

The Answer at 14:8-28 states:

[Quote]

Armstrong admits that since the February 1998 contempt order he made more than 200 oral statements and "postings" to the Internet newsgroup alt.religion.scientology, hereinafter, "a.r.s." Armstrong denies that he made any statements created and transmitted via e-mail and by "posting" to a.r.s. Armstrong admits that CSI, Scientology, Miscavige and the beneficiaries allege that any oral statements he made or statements he posted to a.r.s., or any statements created and transmitted via e-mail and by "posting" to a.r.s., should any such a thing exist, are breaches of paragraph 7D of the mutual release and the explicit terms of the injunction. Armstrong further admits that since the February 1998 contempt order he has made more than 100,000 statements, oral or written, posted to a.r.s., or not posted to a.r.s., that CSI, Scientology, Miscavige and the beneficiaries allege, will allege, or act as if they would allege, are breaches of paragraph 7D of the mutual release and the explicit terms of the injunction. Armstrong avers that the conditions of paragraph 7D of the mutual release and the explicit terms of the injunction that would prohibit him from making any of the statements he has made at any time are illegal, unconstitutional, greatly stupid, impossible to perform, anti-public policy, anti-American, anti-religion, diabolical, insane and clearly unenforceable. Armstrong lacks knowledge or information sufficient to form a belief as to the truth of the averment that the date of each alleged breach of the more than 200 alleged breaches CSI, Scientology, Miscavige and the beneficiaries are alleging is set forth in Exhibit E to their complaint, and Armstrong is therefore unable to admit or deny the same. Armstrong denies that a short description of the substance of each alleged breach of the more than 200 alleged breaches CSI, Scientology, Miscavige and the beneficiaries are alleging is set forth in Exhibit E to their complaint.

[End Quote]

>ALTHOUGH  
>DEFENDANT STATES THAT FACT 11 IS UNDISPUTED, THIS AT MOST SHOWS THAT  
>HE ADMITS THAT EACH OF THE 201 INCIDENTS OCCURRED. EXAMINATION OF  
>EXHIBIT E TO THE COMPLAINT, WHICH BRIEFLY DESCRIBES EACH OF THE 201  
>INCIDENTS, REVEALS MANY INCIDENTS WHICH DO NOT APPEAR ON THEIR FACE  
>TO VIOLATE PARAGRAPH 7(D) (E.G., PICKETING, OFFERING TO PROVIDE  
>TESTIMONY OR DECLARATION, STATING HE WILL TELL RUSSIANS ABOUT  
>SCIENTOLOGY, PARTICIPATING IN A CEREMONY, "CALL[ING] IN TO A  
>RADIO SHOW," ETC.).

>

>[End Quote]

>

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